

**MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: February 16, 2005
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

CALL TO ORDER

Chairperson Peter Young called the meeting of the Commission on Water Resource Management to order at 9:02 a.m.

ROLL CALL

The following were in attendance:

MEMBERS

Mr. Peter Young	Mr. James Frazier
Ms. Meredith Ching	Dr. Lawrence Miike
Mr. Clayton Dela Cruz	Ms. Stephanie Whalen

STAFF

Dean Nakano, Roy Hardy, Edwin Sakoda, Glenn Bauer, Ryan Imata, David Higa, Kevin Gooding, Dean Uyeno, Lenore Nakama

COUNSEL

Russell Y. Tsuji, Esq.

OTHERS

Gordon Tribble, Manabu Tagomori, Kapua Sproat, Jonathan Scheuer, Chester Lao, Diana Leone

All written testimonies submitted at the meetings are filed in the Commission office and are available for review by interested parties.

{Note: language for deletion is [bracketed], new/added is underlined}

APPROVAL OF MINUTES

MOTION: (FRAZIER/WHALEN)
UNANIMOUSLY APPROVED

SUBMITTALS

STREAM CHANNEL ALTERATION PERMIT (SCAP)

A.1 Application for an After-the-Fact Stream Channel Alteration Permit (SCAP-MA-377), Culvert Removal, Wailuku Agribusiness Company, Inc., Waikapu Stream, Waikapu, Maui (TMK (2) 3-8-005:023)

Presentation of Submittal: Edwin Sakoda

Commissioner Meredith Ching recused herself from Item A.1.

DISCUSSION:

Commissioner Frazier requested that the applicant send a letter confirming that they have complied with the special conditions.

Commissioner Whalen agreed that the Commission should be notified in order to close the files on that part.

Kapua Sproat of Earthjustice (EJ) had one concern, which Commissioner Frazier had already addressed, regarding the hardening of the streambanks. If the additional condition can be added to the permit, then EJ's concerns would be addressed. Ms. Sproat added that EJ had a question about whether or not this action would require a Section 404 permit and that on any future applications that the Commission makes sure that applicants are in compliance with other permit requirements including Section 404.

Mr. Sakoda stated that Wailuku Ag did contact the Corps of Engineers and it was determined that they did not need a Section 404 permit.

AMENDED RECOMMENDATION:

That the Commission approve an after-the-fact stream channel alteration permit for the removal of a 36-inch culvert and farm road crossing at Waikapu Stream (TMK (2) 3-8-005:023), Waikapu, Maui. The permit shall be valid for two years subject to the standard conditions for stream channel alteration permits in Exhibit 6 and the following special condition:

The applicant shall formulate and implement a plan to minimize erosion from the removal of the culvert crossing Waikapu Stream. The plan shall be acceptable to the County of Maui, Department of Public Works or the Soil and Water Conservation District, and shall be implemented within sixty (60) calendar days of the approval of this stream channel alteration permit. The applicant shall submit written concurrence from the County of Maui, Department of Public Works or the Soil and Water Conservation District indicating acceptable erosion control measures have been implemented.

MOTION: (MIIKE/DELA CRUZ)
To approve with amendments
UNANIMOUSLY APPROVED AS AMENDED

OTHER ACTION ITEM

B-1. Well Construction and Pump Installation Permit Process Update,
Statewide, Hawaii

Presentation of Other Action Item: Roy Hardy

DISCUSSION:

Commissioner Frazier commented that staff did a good job in the preparation and communication with the public.

Mr. Hardy stated that a workshop will be scheduled to update interested parties of these changes.

RECOMMENDATION:

1. Approve the updated standard conditions for well and pump installation permits in Exhibits 5 & 6, which summarize and are consistent with the new permit process summarized in Exhibit 2.

MOTION: (FRAZIER/WHALEN)
To approve as recommended by staff
UNANIMOUSLY APPROVED

Chairperson Young made note of upcoming Commission meeting dates in March and April.

Minutes

February 16, 2005

Commissioner Miike asked Chairperson Young if he wanted to add any statements to the newspaper articles concerning the Water Commission and the resignation of their Deputy.

Chairperson Young stated that Deputy Director Izu submitted her letter of resignation and he accepted it.

Commissioner Miike said that the law clearly states that it is the Commission's responsibility to approve the hiring of the Deputy. The Deputy takes direction from the Commission because the Commission is an independent organization. He felt that the Commissioners should have been told what was going on as far as testifying to the legislative bill concerning the Commission.

Since there was no other business, the meeting was adjourned at 9:25 am.

Respectfully submitted,

FAITH F. CHING
Secretary

Approved as submitted:

DEAN A. NAKANO
Acting Deputy Director